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PTO/SB/21 (09-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/542316
		Filing Date	July 13, 2005
		First Named Inventor	Hiromasa Tanobe
		Art Unit	2613
		Examiner Name	D. E. Singh
Total Number of Pages in This Submission		Attorney Docket Number	5259-000054/US/NP

### ENCLOSURES (Check all that apply)

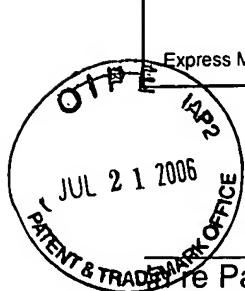
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  Return Receipt Postcard; Form PTO SB/08 with copies of 9 cited foreign and non-patent references; Copy of Notice of Reasons for Rejection for corresponding application JP 2005-505014
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	HARNESS, DICKEY & PIERCE, P.L.C.		
Signature			
Printed name	Gregory A. Stolbs		
Date	July 21, 2006	Reg. No.	28,764

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EV 855 009 522 US



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Docket No.: 5259-000054/US/NP  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re Patent Application of:  
Hiromasa Tanobe et al.

Application No.: 10/542316

Filed: July 13, 2005

Art Unit: 2613

For: Fiber Optic Communication System

Examiner: D. E. Singh

**INFORMATION DISCLOSURE STATEMENT (IDS)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed more than three months after the U.S. filing date, OR more than three months after the date of entry of the national stage of a PCT application, AND after the mailing date of the first Office Action on the merits, whichever occurs first, but before the mailing date of a Final Office Action or Notice of Allowance (37 CFR 1.97(c)).

I hereby certify, pursuant to 37 CFR 1.97(e)(1), that each item of information contained in this Information Disclosure Statement was first cited in any communication

from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

A summary/abstract translation of the non-English language references is enclosed.

Applicant has not submitted copies of each cited U.S. patent and U.S. patent application as required by 37 CFR 1.98(a)(2)(i), amended October 2004, as the U.S. Patent and Trademark Office has waived this requirement for all U.S. patent applications. Applicant submits herewith copies of foreign and non-patents in accordance with 37 CFR 1.98(a)(2).

A concise explanation of relevance of the items listed on form PTO/SB/08 is in the form of an English language copy of a Reasons for Rejection from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this

application by this firm) to our Deposit Account No. 08-0750, under Order No. 5259-000054/US/NP. A duplicate copy of this paper is enclosed.

Dated: July 21, 2006

Respectfully submitted,

By Gregory A. Stobbs

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Substitute for form 1449A/B/PTO				<b>Complete if Known</b>	
				Application Number	10/542316
				Filing Date	July 13, 2005
				First Named Inventor	Hiromasa Tanobe
				Art Unit	2613
				Examiner Name	D. E. Singh
Sheet	1	of	1	Attorney Docket Number	5259-000054/US/NP

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
AA*	US-6,643,463		11-04-2003	Suzuki, et al.	
AB*	US-6,718,140		04-06-2004	Kamei, et al.	
AC*	US-6,782,210		08-24-2004	Okada, et al.	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)			
BA	JP-2000-201112		07-18-2000	Senta, et al.	✓
BB	JP-2001-346235		12-14-2001	Kazutoshi, et al.	✓
BC	JP-2001-053760		02-23-2001	Arata, et al.	✓
BD	JP-2001-333021		11-30-2001	Akira, et al.	✓
BE	JP-2001-197006		07-19-2001	Toshikazu	✓
BF	JP-2001-103523		04-13-2001	Toshiya, et al.	✓

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. \* CITE NO.: Those application(s) which are marked with a single asterisk (\*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T <sup>2</sup>
		Chang-Joon Chae, "A Flexible and Protected Virtual Optical Ring Network", IEEE Photonics Technology Letters, Vol. 14, No. 11, November 2002, 3 pages			
		Chang-Joon Chae, et al., "A Protected Optical Star-Shaped Ring Network Using an NxN Arrayed Waveguide Grating and Incoherent Light Sources", IEEE Photonics Technology Letters, Vol. 13, No. 8, August 2001, 3 pages			
		Chang-Joon Chae, et al., "Virtual Optical Self-Healing Ring Network Over Star-Configured Optical Cable Plant Using NxN Arrayed Waveguide Grating", Electronics Letters, Vol. 37, No. 20, September 27, 2001, pp. 1241-1243			

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	Date Considered
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